

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action of September 21, 2009. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-21 are pending in the Application. Claims 18-21 are added by this amendment.

In the Final Office Action, claims 1-17 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 5,618,045 to Kagan ("Kagan") in view of U.S. Patent No. 6,287,200 to Sharma ("Sharma"). These rejections of claims 1-17 are respectfully traversed. It is respectfully submitted that claims 1-21 are patentable over Kagan in view of Sharma for at least the following reasons.

It is undisputed that Kagan does not teach, disclose or suggest "specificity as to the competition-related information depending on the physical locations of the modular units relative to each other. " (See, Office Action, page 2.) Sharma is cited to provide that which is admitted missing from Kagan, however, it is respectfully submitted that reliance on Sharma is misplaced.

The Office Action takes a position that "Sharma, however,

discloses the competition-related information depending on the physical locations of the modular units relative to each other (plural wireless gaming devices within radio range of each other ...)" (See, Office Action, page 3.)

While it is true that Sharma determines who may participate based on who is within radio frequency communication range (see, Sharma, Col. 2, line 53 through Col. 3, line 8 as cited in the Office Action, however it is respectfully submitted that Sharma does not determine competition-related information of connected modular units during the competition based on the physical locations of the connected modular units relative to one another.

It is respectfully submitted that the method of claim 1 is not anticipated or made obvious by the teachings of Kagan in view of Sharma. For example, Kagan in view of Sharma does not teach, disclose or suggest, a method that amongst other patentable elements, comprises (illustrative emphasis added) "determining a set of information items for at least one modular unit, wherein each information item individually relates to a specific modular unit in said sets, wherein said set of information items represents competition-related information, wherein said set of information

items comprises connection-related information indicating physical locations of said modular units relative to one another as interconnected in a common game space, and wherein the competition-related information of connected modular units during the competition is determined based on the physical locations of said connected modular units relative to one another; distributing the set of information items to the corresponding connected modular units; and presenting said set of information items on the connected modular units during the competition" as recited in claim 1, and as similarly recited in each of claims 5, 6 and 7.

Sharma merely determines who may connected based on whether devices are within radio frequency range and accordingly, has nothing to do with the claims as presented.

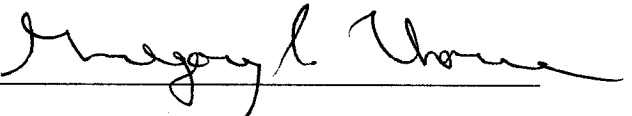
Based on the foregoing, the Applicants respectfully submit that independent claims 1, 5, 6 and 7 are patentable over Kagan in view of Sharma and notice to this effect is earnestly solicited. Claims 2-4, and 8-21 respectively depend from one of claims 1, 5, 6 and 7 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of

the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

Gregory L. Thorne, Reg. 39,398
Attorney for Applicant(s)
December 17, 2009

THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101